

PTO/SB/33 (07-05)

United States Patent &amp; Trademark Office; U.S. DEPARTMENT OF COMMERCE

<b>PRE-APPEAL BRIEF REQUEST FOR REVIEW</b>	Docket Number (Optional) 59864.00143
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]  on _____  Signature _____  Typed or printed Name _____	Application Number:  09/996,479  Filed: November 27, 2001
	First Named Inventor:  Paul FRANCIS
	Art Unit: 2616
	Examiner: Afsar M. Qureshi

**Mail Stop AF**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a Notice of Appeal.


The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

- ☐ Applicant/Inventor.
- ☐ assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under  
37 CFR 3.73(b) is enclosed
- ☒ Attorney or agent of record.  
Registration No. 54,749

- ☐ Attorney or agent acting under 37 CFR 1.34.  
Reg. No. is acting under 37 CFR 1.34 \_\_\_\_\_

  
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Typed or printed name703-720-7898  
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Telephone numberJuly 7, 2006  
\_\_\_\_\_  
Date

NOTE: Signatures of all of the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

- ☐ \*Total of \_\_\_\_\_ forms are submitted.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Paul FRANCIS et al.

Art Unit: 2616

Application No.: 09/996,479

Examiner: Afsar M. Qureshi

Filed: November 27, 2001

Attorney Dkt. No.: 59864.00143

For: METHOD FOR ANCHORING FLOWS

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

July 7, 2006

Sir:

In accordance with the Pre-Appeal Brief Conference Pilot Program guidelines set forth in the July 12, 2005 Official Gazette Notice, Applicants hereby submit this Pre-Appeal Brief Request for Review of the final rejections of claims 1-42 and 47-54 in the above identified application. Applicants note that claims 43-46 were indicated as being allowed. However, claims 1-42 and 47-54 were finally rejected in the Office Action dated February 10, 2006. Applicants filed a Response to the Final Office Action on June 6, 2006, and the Office issued an Advisory Action dated June 26, 2006 maintaining the final rejections of claims 1-42 and 47-54. Applicants hereby appeal these rejections and submit that they are improper and without basis.

The final Office Action rejected claims 1-9, 18-24, 26, 31-35, 37, 39-42, and 47-53 under 35 U.S.C. §102(e) as being anticipated by Ahmed (U.S. Patent No. 6,160,804). Applicants submit that there is clear error with regard to at least one element of claims 1, 18, 31, 39, 47, and 50, upon which claims 2-9, 19-24, 26, 32-35, 37, 40-42, and 48-53 are dependent.

Applicants respectfully submit that the present claims recite subject matter which is neither disclosed nor suggested by Ahmed, and that, therefore, the final rejections are improper and without basis. Specifically, Applicants respectfully submit that Ahmed does not disclose or suggest “transferring the IP flow from the attached access router to an original access router, the original access router maintaining a host table associated with the mobile node,” and “wherein the original access router is a router that the mobile node was attached to prior to the attached access router,” as recited in claim 1 and similarly recited in claims 18, 31, 47, and 50. The Office Action appears to take the position that the home agents and foreign agents discussed in Ahmad correspond to the original access router and attached access router of the present claims (see Office Action, page 2, lines 13-17). Applicants respectfully disagree.

As recited in the claims, and supported by the specification, according to certain embodiments of the invention a mobile node is wirelessly attached to an access router, which in turn is attached to a server. The mobile node can initiate a flow which requires servicing by the server, and, as a result, the access router will first route the flow through the server before forwarding to it to the internet. However, when the mobile node moves and utilizes a new access router to access the internet, the flow will be routed by the new access router to the old access router in order to ensure that it receives the same service (Specification, page 12, paragraph 0042-0043 and Figure 1).

Ahmad, on the other hand, fails to disclose or suggest that a flow initiated by the mobile station is routed by the home agent to the foreign agent, where the foreign agent was the node servicing the mobile station before it moved. Rather, Ahmad discloses that a home agent is a router that authenticates a mobile node, tracks a mobile nodes location, and redirects the packets to the mobile node’s current location. More specifically, the home agent receives packets destined to the home address of the mobile station and tunnels them to the care-of-address of the mobile node by encapsulating the original IP packets in new IP packets with the destination address set to the mobile node’s care-of-address (Ahmed, Column 2, 52 – Column 3, line 8). Ahmed does not utilize or forward

packets to the original access router, as recited in the present claims. Further, according to Ahmed, a flow is not directed to the original access router which maintains a host associated with the mobile node, as recited in the present claims.

As such, Applicants respectfully submit that Ahmad fails to disclose or suggest “transferring the IP flow from an attached access router to an original access router, the original access router maintaining a host table associated with the mobile node,” and “the original access router is a router that the mobile node was attached to prior to the attached access router,” as recited in claims 1, 47, and 50. Similarly, Ahmed does not disclose or suggest “forwarding the IP flow from the attached access router to an original access router,” as recited in claims 18 and 31. Nor does Ahmed disclose or suggest “notifying the attached access router of an address of the original access router,” as recited in claim 39. Therefore, Ahmed fails to disclose or suggest all of the elements of the claims. As such, for at least the reasons discussed above, Applicants respectfully request that the rejection of claims 1, 18, 31, 39, 47, and 50 be withdrawn.

Claims 2-9, 19-24, 26, 32-35, 37, 40-42, 48-49, and 51-53 are dependent upon claims 1, 18, 31, 39, 47, and 50, respectively. Accordingly, claims 2-9, 19-24, 26, 32-35, 37, 40-42, 48-49, and 51-53 should be allowed for at least their dependence upon claims 1, 18, 31, 39, 47, and 50, and for the specific limitations recited therein.

Claims 10-17, 25, 27-30, 36, 38 and 54 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ahmed in view of Brothers (U.S. Patent No. 6,822,955). The Office Action took the position that Ahmed discloses all of the elements of the claims, with the exception of the server or access router running network address translation (NAT). The Office Action then relies upon Brothers as allegedly curing this deficiency in Ahmed. Applicants submit that this rejection is also improper.

Applicants note that claims 10-17, 25, 27-30, 36, 38 and 54 are dependent upon claims 1, 18, 31, and 50, respectively. As discussed above, Ahmed does not disclose or suggest all of the elements of claims 1, 18, 31, and 50. Furthermore, Brothers fails to cure these deficiencies in Ahmed. Consequently, Applicants submit that claims 10-17,

25, 27-30, 36, 38 and 54 should be allowed for at least their dependence upon claims 1, 18, 31, and 50, and for the specific limitations recited therein.

For at least the reasons discussed above, Applicants respectfully assert that there is clear error in that the Office Action has failed to establish a prima facie case for anticipation, as the cited reference of Ahmed does not disclose or suggest all of the elements of the presently pending claims. It is therefore respectfully requested that all of claims 1-54 be allowed, and this application passed to issue.

Reconsideration and withdrawal of the rejections, in view of the clear errors in the Office Action, is respectfully requested. In the event this paper is not being timely filed, the applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



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